



## ***Rhode Island Department of Public Safety Division of Sheriffs***

<b>ORDER</b>	<b>EFFECTIVE DATE</b>	<b>NUMBER</b>	<b>ISSUING DATE</b>
<b>GENERAL</b>	<b>10/22/2018</b>	<b>130.01</b>	<b>10/22/2018</b>
<b>SUBJECT TITLE</b>		<b>SUBJECT AREA</b>	
<b>PERSONNEL AND CITIZEN COMPLAINTS</b>		<b>INTERNAL DEPARTMENTAL CONTROLS</b>	
<b>RIPAC REFERENCE</b>		<b>PREVIOUSLY ISSUED DATES</b>	
<b>5.5, 5.6, 5.7, 5.8, 5.9, 5.10</b>		<b>07/17/2014</b>	
<b>DISTRIBUTION</b>	<b>REEVALUATION DATE</b>		<b>PAGES</b>
<b>ALL</b>	<b>AS NEEDED</b>		<b>8</b>

### **I. PURPOSE**

The purpose of this policy is to clarify the Division's procedures for the handling of citizen and personnel complaints. This policy defines guidelines which provide for the documentation of allegations and to facilitate the investigation and disposition of citizen complaints.

### **II. POLICY**

It is the policy of Rhode Island Division of Sheriffs to investigate all complaints against Division personnel, regardless of the source of such complaints, whether they originated externally or internally. Investigating these complaints through standardized procedures will demonstrate the Division's desire to provide honest, efficient service and will inspire public confidence in its personnel.

### **III. DEFINITIONS**

**Complaint** - An allegation from any source of circumstances amounting to a specific act or omission which if true would amount to employee misconduct, or could adversely affect the Division's operational efficiency or relations with the public.

**Internal Personnel Complaint** - Is any complaint initiated by a member of the Division. Usually internal complaints are initiated under the request of a superior officer and/or the Chief Sheriff.

**External Citizen Complaint** - Is any complaint initiated by a member of the public. The external/citizens complaint is often reported to bring to the attention of the Division any deputy action or inaction that the citizen considers to be contrary to law, proper procedure, good order, or in some other manner prejudicial to the citizen, the Division, or to the community as a whole.

#### **IV. PROCEDURE**

The integrity of our division depends on the personal integrity and discipline of each employee. To a large degree, our public image is determined by the quality and professionalism of our response to allegations of misconduct and malfeasance by our members.

##### **Professional Standards Officer**

The Chief Sheriff or his designee is in charge of the Professional Standards Officer. The goals of the Professional Standards Officer are to ensure that the integrity of the Division is maintained through a system where objectivity, fairness, and justice are assured by intensive impartial investigation and review.

1. The Professional Standards Officer and/or personnel who otherwise may be assigned by the Chief Sheriff. This investigator will have primary supervisory responsibility for the review and investigation of all complaints against deputies, whether initiated by a citizen or the division.
2. While investigating a complaint of misconduct, the Internal Affairs Investigator is delegated the authority to report directly to the Chief Sheriff for the purposes of directing the investigation.
3. The Chief Sheriff will be notified of all complaints against the agency or its employees by the investigating supervisor or Internal Affairs Investigator and **allegations of criminal conduct will be brought to the immediate attention of the Chief Sheriff.**
4. Upon receipt of a complaint, the supervisor will make an initial determination whether to assume primary investigative responsibility for the case, or to refer it to the appropriate authority.

5. A supervisor's investigation may be ordered terminated at any time and full investigative authority will be assumed by the Professional Standards Officer or personnel so assigned by the Chief Sheriff.
  - a. Allegations of minor rule violations may be investigated by the appropriate supervisor. (i.e. tardiness, rudeness, uniform violations).
  - b. Allegations of misconduct that could result in discharge, suspension, demotion, or criminal charges being sought will be investigated by the Internal Affairs Investigator and then forwarded to the Chief Sheriff.
6. The Professional Standards Officer will have the responsibility of:
  - a. Maintaining a record of all complaints against the Division and its employees.
  - b. Protecting confidentiality, in conformity with state law; the file for complaints will be kept in a secured area.
  - c. Conducting an annual audit of complaints to ascertain the need for changes in training or policy.
  - d. Maintaining statistical summaries based upon records of internal investigations.
7. The Internal Affairs Investigator may recommend to the Chief Sheriff that a case be referred to the Rhode State Police for criminal charges.
8. In every case where a member is a suspect in a felony, the Internal Affairs Investigator will involve the services of the Office of Attorney General and Rhode Island State Police.

#### **A. Personnel Complaint**

1. Receiving Member: if an allegation or complaint meets the criteria for a "personnel complaint", the Division member receiving the complaint shall immediately notify their immediate supervisor. If the nature of the complaint requires immediate attention, the Chief Sheriff will be contacted immediately.
2. **Recording a Personnel Complaint:** the following procedure will be used upon receipt of a personnel complaint:

- a. The receiving member will complete a Division Personnel Complaint Reporting Form (APPENDIX A). All required information will be obtained and entered onto the form.

## **B. Citizen Complaints**

1. All citizen complaints pertaining to Division policies or procedures or alleged deputy misconduct will be documented and investigated by the Division. This will be recorded by receiving members on a Citizen Complaint Reporting Form (Appendix B).
2. Brochures describing the complaint procedures are available for the public at the Division of Sheriffs 'Headquarters, Courthouses and on the Division's web-site.
3. Complaints from any source will be investigated:
  - a. They will be made in person by the individual directly concerned in the allegation against the Division employee.
  - b. A complaint in writing may be necessary in the absence of any other substantive evidence.
  - c. Telephone, email, web form, third party, or anonymous complaints will be investigated to the extent possible with the factual information available and without violating an employee's rights.
4. Citizen complaints may be accepted by any supervisor of the Division who is approached for such assistance.
  - a. The supervisor will document the complaint in writing and make notification through the chain of command to the Chief Sheriff.
  - b. The supervisor may attempt to resolve a complaint by reviewing and exploring Division policies and procedures, where applicable. Attempts to resolve complaints will be documented and forwarded to the Chief Sheriff through the chain of command.
5. Upon receipt of a citizen's complaint, the Chief Sheriff or his/her designee will be the initial contact with the complainant and advise him/her that the case has been assigned to an investigator who works directly under his command.

6. The Chief Sheriff or his/her designee will advise the complainant of Division procedures for the processing and investigation of citizen complaints.
7. Upon receipt of the case, the Professional Standards Officer and/or the assigned investigator shall make contact with the complainant and further advise the complainant they will receive periodic status reports and notice that appropriate action was taken in the case.
8. Investigations of complaints will be conducted in accordance with the Divisions Policies and Procedures.
9. In most instances, investigations will be completed within (30) thirty days. The Chief Sheriff must be advised and approve of circumstances requiring an extension of time in increments of (30) thirty days.
10. Complainants will receive written notice when the investigation has been completed.

**C. Supervisor Investigation**

1. Upon becoming aware of or receiving notification of potential misconduct by a deputy under his/her command, a supervisor will begin an immediate investigation of such allegations.
2. The supervisor's investigation will be limited to identifying and interviewing the deputy, witnesses and complainants, and securing all relevant evidence.
3. Upon completion of the investigation, the supervisor will forward to the Chief Sheriff through the chain of command :
  - a. A report of the alleged violation.
  - b. All documents and evidence relating to the investigation.
  - c. Recommendations for further investigation or other disposition of the case.
4. This section does not prohibit a supervisor from conducting an immediate and full investigation of an observed violation(s).
5. Any supervisor may temporarily relieve any deputy/employee from duty for the following reasons:

- a. Reasonable suspicion of physical or mental impairment.
  - b. Involvement in the use of deadly force.
  - c. Use of force resulting in serious injury to another.
  - d. Allegations of violations of criminal law.
  - e. At any time, the supervisor believes that continued service of the deputy/employee may be immediately detrimental to the employee, others, or the Division.
- 6. The supervisor will immediately notify the OIC, who will make appropriate notification to the Chief Sheriff whenever emergency leave is involved.
  - 7. A deputy who has been temporarily removed from duty will not return to active duty without permission of the Chief Sheriff.

#### **D. Investigation Procedure and Disposition**

- 1. Investigations of complaints will be conducted in accordance with:
  - a. Master Agreement between the State of Rhode Island and Rhode Island Council 94, AFSCME AFL-CIO, Article 24;
  - b. Garrity Rights, when applicable
  - c. Weingarten Rules
  - d. Any and all other applicable rights and laws
- 2. The investigation will include but not be limited to the following:
  - a. **Alleged misconduct:** identifying and interviewing an involved member(s), any witness(s), and the complainant(s) to secure all relevant evidence.
  - b. **Policies and Procedures:** interviewing the complainant to gather necessary information concerning the policy(ies) and/or procedure(s) with which they have a concern(s).

3. Upon completion of the investigation the following will be forwarded to the Chief Sheriff for review:
  - a. A report detailing the alleged violation and/or the complaint regarding the Division policies and procedures.
  - b. All documents and evidence relating to the investigation.
  - c. Recommendations from the Internal Affairs Officer for disposition of the case, but the final authority rest with the Director of the Department of Public Safety.
4. Following his/her review of the investigation, the Chief Sheriff will make the final determination of how the case will be classified:
  - a. **Sustained:** Evidence sufficient to prove allegations
  - b. **Not Sustained:** Insufficient evidence to either prove or disprove the allegations
  - c. **Exonerated:** Incident occurred but was lawful and proper
  - d. **Unfounded:** Allegation is false or not factual
  - e. **Policy Failure:** Flaw in policy caused incident
  - f. **Complaint Withdrawn:** Complaint is withdrawn by victim
  - g. **Misconduct not based on original complaint:**  
Misconduct found but not based on original complaint
5. If it is determined the allegations of misconduct by a member are true and accurate, or sustained, discipline will be handed down in accordance with Division of Sheriff Policy and the Master Agreement between the State of Rhode Island and Rhode Island Council 94, AFSCME AFL-CIO.
6. If it is determined that the allegations are (1) not sustained, (2) exonerated, or (3) unfounded, all parties involved will be notified, and the case will be closed.
7. If it is determined that the incident was caused by a failure in policy, then the necessary steps will immediately be taken to review and revise Division policy to prevent future similar incidents from occurring.

8. All information obtained during the investigation of a complaint is considered **confidential**. Therefore, it is imperative that all documents pertaining to complaints be properly secured to protect all parties involved. All members exercising control over documents and files pertaining to complaints must ensure these documents are secured at all times. All case files will be marked “**Confidential**”.

## V. Removal from Operational Assignments

When any employee’s actions or use of force in an official capacity results in the death or serious physical injury, that employee may be placed on paid administrative leave pending the outcome of an internal investigation or be temporally assigned administrative duties within the Division.



By Order Of:

A handwritten signature in dark ink, appearing to read "David M. DeCesare". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David M. DeCesare  
Chief Sheriff  
Division of Sheriff  
Rhode Island Department of Public Safety





# RHODE ISLAND DEPARTMENT OF PUBLIC SAFETY

## Division of Sheriffs

### Headquarters

670 New London Avenue, Cranston, RI 02920

Telephone: (401) 275-2903 — Fax: (401) 275-2914



Colonel James M. Manni  
Director, Department of Public Safety  
Superintendent, Rhode Island State Police

Chief David M. DeCesare  
Sheriff  
Rhode Island Division of Sheriffs

#### APPENDIX A

### Personnel Complaint Reporting Form

The Rhode Island Division of Sheriff's goal is to improve the quality of services provided, to promote a high level of public confidence, and to enhance and maintain the professional integrity of this Division.

This form may be used to forward a complaint or concern involving personnel of this Division. You may choose to remain anonymous; however, members offering anonymous complaints are advised that the Division's ability to investigate the complaint may be limited by their anonymity.

Improper or false statements may result in legal sanctions. The information contained herein is considered a sworn statement.

Date & Time of Incident	Location Of Incident
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#### Complainant Information

Last Name	First Name	Date of Birth
Mailing Address	City, State, Zip Code	Contact #
Present location of member:	Manner received:	Date received:

#### Witness #1

Last Name	First Name	
Mailing Address	City, State, Zip Code	Contact #

#### Witness #2

Last Name	First Name	
Mailing Address	City, State, Zip Code	Contact #

### Deputy Involved #1

Last Name	First Name	
Mailing Address	City, State, Zip Code	Contact #

#### **Official Complaint, Cont'd**

PLEASE PROVIDE A DETAILED NARRATIVE OF COMPLAINT:

**Official Complaint, Cont'd**

PLEASE PROVIDE A DETAILED NARRATIVE OF COMPLAINT:

**\*\*\* REMEMBER TO ATTACH ALL PERTINENT DOCUMENTATION \*\*\***

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Complainant's Signature


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Date

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Deputy Receiving Complaint

*To be completed by the Chief Sheriff*

	FINDING (Refer to G.O. 130.01)	DATE COMPLETED
<input type="checkbox"/>	EXONERATED	
<input type="checkbox"/>	UNFOUNDED	
<input type="checkbox"/>	NOT SUSTAINED	
<input type="checkbox"/>	SUSTAINED	
<input type="checkbox"/>	MISCONDUCT NOT BASED ON ORIGINAL COMPLAINT	
<input type="checkbox"/>	COMPLAINT WITHDRAWN	
<input type="checkbox"/>	POLICY FAILURE	
<div><i>Signature of Chief Sheriff</i></div> <div>DATE: ____ / ____ / ____</div>		



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## Division of Sheriffs

### Headquarters

670 New London Avenue, Cranston, RI 02920  
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Colonel James M. Manni  
Director, Department of Public Safety  
Superintendent, Rhode Island State Police

Chief David M. DeCesare  
Sheriff  
Rhode Island Division of Sheriffs

#### APPENDIX B

### Citizen Complaint Reporting Form

The Rhode Island Division of Sheriff's goal is to improve the quality of services provided, to promote a high level of public confidence, and to enhance and maintain the professional integrity of this Division.

This form may be used to forward a complaint or concern involving personnel from and/or policies and procedures of this Division. You may choose to remain anonymous; however, citizens offering anonymous complaints are advised that the Division's ability to investigate the complaint may be limited by their anonymity.

Improper or false statements may result in legal sanctions. The information contained herein is considered a sworn statement. Complaints may be delivered in person or mailed to the above address.

Date & Time of Incident	Location Of Incident
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#### Complainant Information

Last Name <i>(optional)</i>	First Name <i>(optional)</i>	Date of Birth <i>(optional)</i>
Mailing Address <i>(optional)</i>	City, State, Zip Code <i>(optional)</i>	Contact #

#### Witness #1

Last Name <i>(optional)</i>	First Name <i>(optional)</i>	
Mailing Address <i>(optional)</i>	City, State, Zip Code <i>(optional)</i>	Contact #

#### Witness #2

Last Name <i>(optional)</i>	First Name <i>(optional)</i>	
Mailing Address <i>(optional)</i>	City, State, Zip Code <i>(optional)</i>	Contact #

## Deputy Involved #1

Last Name	First Name	
Mailing Address	City, State, Zip Code	Contact #

### **Official Complaint, Cont'd**

PLEASE PROVIDE A DETAILED NARRATIVE OF COMPLAINT:

**Official Complaint, Cont'd**

PLEASE PROVIDE A DETAILED NARRATIVE OF COMPLAINT:

**\*\*\* REMEMBER TO ATTACH ALL PERTINENT DOCUMENTATION \*\*\***

---

Complainant's Signature


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Date

---

Deputy Receiving Complaint

*To be completed by the Chief Sheriff*

	FINDING (Refer to G.O. 130.01)	DATE COMPLETED
<input type="checkbox"/>	EXONERATED	
<input type="checkbox"/>	UNFOUNDED	
<input type="checkbox"/>	NOT SUSTAINED	
<input type="checkbox"/>	SUSTAINED	
<input type="checkbox"/>	MISCONDUCT NOT BASED ON ORIGINAL COMPLAINT	
<input type="checkbox"/>	COMPLAINT WITHDRAWN	
<input type="checkbox"/>	POLICY FAILURE	
<div><i>Signature of Chief Sheriff</i></div> <div>DATE: ____/____/____</div>		